

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA,            )  
Plaintiff,                                )  
V.   ) Case No. 7:12-CR-00100  
  )  
JASON LEE TRIVETT,                    )  
Defendant.                                )

**SENTENCING MEMORANDUM**

COMES NOW Jason Lee Trivett, by his undersigned counsel, and hereby submits this memorandum in support of him receiving a limited sentence in the above styled matter.

**ARGUMENT FOR SENTENCING**

Defendant Trivett has received a substantial assistance motion for a downward departure to thirty-six (36) months. In addition to Defendant Trivett's assistance, he should be looked upon as a first time offender and receive a much lower sentence.

The sentencing guidelines are simply an advisory tool to be considered alongside the statutory factors enumerated in 18 U.S.C. § 3553(a).

As to the nature and circumstances of the offense, Defendant Trivett has taken responsibility for what he was involved in, but he truly did not understand this conspiracy on the level of the huge amount of pills alleged to Defendant Coleman.

Defendant Trivett has a medical condition that leads him to his need for narcotics, which in turn lead him to Defendant Coleman. As found in the presentence report, Defendant Trivett disputes the amount of pills that have been alleged by Defendant Coleman and others to be attributable to him. Defendant Trivett used most of the pills for his own personal use, not distribution.

Moreover, the appropriate weight to be used by the Court for sentencing should be that of what was actually found (with the help of Defendant), not that which is alleged by the government.

It is Defendant Trivett's position that he - along with some other co-defendants - are best categorized as "unsophisticated puppets" not privy to the knowledge of Defendant Coleman. Defendant Trivett was wrong but he was not anything close to a major conspirator - in fact, he was just the opposite.

Most importantly, Defendant Trivett has been nothing but truthful to investigators which is reflected in the pre-sentence report and the government's motion for a reduced sentence. Defendant Trivett prays this Court show leniency.

#### CONCLUSION

After consideration of the sentencing factors, along with the evidence presented at sentencing, Defendant Trivett hopes the Court will consider a sentence of:

- (1) probation with no active incarceration; or
- (2) a short period of months (less than a year) with probation.

The above would accurately reflect a fair sentencing of the defendant based upon all the circumstances of his case.

Respectfully Submitted,

JASON LEE TRIVETT

By: s/Richard W. Davis, Jr.  
Of Counsel

Richard W. Davis, Jr., Esq.  
Bar Number 41388  
DAVIS, DAVIS & DAVIS, ATTORNEYS  
519 Second Street  
P. O. Box 3448  
Radford, Virginia 24141  
(540) 639-9081 Ext. 4  
(540) 639-9095 Facsimile  
Counsel for Defendant Trivett

CERTIFICATE OF SERVICE

I hereby certify that this 2nd day of December, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: John Gregory, Jr., [jgregorylaw@aol.com](mailto:jgregorylaw@aol.com), Paul Graham Beers, [pbeers@gfdg.com](mailto:pbeers@gfdg.com), [tmcconaughy@gfdg.com](mailto:tmcconaughy@gfdg.com), Stephen Robert Wills, [srwills@ntelos.net](mailto:srwills@ntelos.net), [rwilson100@ntelos.net](mailto:rwilson100@ntelos.net), Patrick Jon Kenney, [pjk@patrickjkenneylaw.com](mailto:pjk@patrickjkenneylaw.com), Ashley Brooke Neese [ashley.neese@usdoj.gov](mailto:ashley.neese@usdoj.gov), [carmen.amos@usdoj.gov](mailto:carmen.amos@usdoj.gov), [diane.fitzgerald@usdoj.gov](mailto:diane.fitzgerald@usdoj.gov).

s/ Richard W. Davis, Jr.  
DAVIS, DAVIS & DAVIS ATTORNEYS  
519 Second Street  
P. O. Box 3448  
Radford, Virginia 24141  
(540) 639-9081 Ext. 4  
(540) 639-9095 Facsimile  
Counsel for Defendant